

INSTRUCTIONS TO EVALUATORS

EVALUATION

The Service Level Manager, Regional Facility Manager or their designee (hereinafter referred to as “Manager”) will be sent all documents related to the bid from the initiating facility staff. The Manager will evaluate all bids received and document the points assessed using the bid record/evaluation form. See **Guidelines for Evaluation of Bids** beginning on page 3 for more information.

BID AWARD

Prior to signing the RFQ Cover Page, indicating acceptance of the responsive low bid meeting specifications, the Manager must:

- Ensure that all required exhibits indicated on the RFQ Cover Page have been completed, signed if necessary and returned.
- Confirm that the successful bidder is in compliance with Section 34.040.6 RSMo (No Sales Tax Due) using the DPMM Guidelines and instructions located at: <http://agencyinfo.intra.state.mo.us/compliance.shtm>.
- Ensure that the successful vendor is not on the federal debarment list by performing a search on the System for Award Management (SAM) website at: <https://www.sam.gov> nor on the Suspended/Debarment Vendor DPMM list found on the Internet at: <http://oa.mo.gov/purch/agencyinfo/suspven.pdf>

If the bidder is claiming Missouri service-disabled veteran business preference along with Exhibit B, either a letter from the Department of Veterans Affairs or a copy of the bidder's discharge papers must be submitted. (See General Conditions Other Required Documents, Page 8 and the DPMM Guidelines and instructions at: <http://agencyinfo.intra.state.mo.us/veterans.shtm>.)

- If a bidder has submitted the required documentation referenced above, the bidder shall then receive the Missouri service-disabled veteran business preference of a three-point bonus over a non-Missouri service disabled veteran business.
- To apply the Missouri service-disabled veteran business preference, add 3 points when calculating the cost evaluation as outlined on page 4 (Section II B of Guidelines for Evaluation of Bids).

For all procurements that include services **exceeding** \$5,000, E-verify enrollment must be confirmed and a completed and notarized Exhibit A, Business Entity Certification, Enrollment Documentation and Affidavit of Work Authorization must be submitted. (See General Conditions Other Required Documents, Page 8.)

If all of the requirements above are met by the successful bidder, the Manager should complete Section 4 of the RFQ and provide a copy to the successful bidder.

POST AWARD ACTIONS

Notify FMDC Accounting Staff of award and provide them with required documentation:

- RFQ Cover Page with Section 4 (Notice of Award) completed
- Copy of bid record/evaluation form

Notify appropriate facility staff of Notice of Award, instructing them to proceed with the issuance of a purchase order to the Contractor, which serves as their Notice to Proceed.

All documentation related to each procurement must be maintained in a centralized manner so that there is a clear audit path linking the solicitation process, evaluation, award, and payment.

If a bidder includes a copy of an award letter from the Department of Veterans Affairs (VA) or a copy of the bidder's discharge paper (DD Form 213, Certificate of Release or Discharge from Active Duty) from the branch of service the bidder was in the follow steps must be followed:

- a. remove the confidential record (VA letter or discharge page) from the bid;
- b. seal the confidential record in an envelope;
- c. write the bid number and the bidder's name on the envelope;
- d. complete MO SERVICE-DISABLED VETERAN BUSINESS CONFIDENTIAL INFO MEMO or similar memo; and
- e. place the memo and the envelope in the bidder's bid. If the bidder is awarded a contract, the memo and envelope should then be placed in the contract folder.

NOTE: The completed MISSOURI SERVICE-DISABLED VETERAN BUSINESS PREFERENCE EXHIBIT is not considered a confidential record and is to remain with the bid.

Agencies are **not** required to track the number of contracts awarded to service-disabled veteran businesses and the number of bids submitted by service-disabled veteran businesses.

Pursuant to 34.120 RSMo, documentation related to bids must be preserved as an official public record for a period of five years unless directed otherwise by the DPMM, whichever is longer. The documentation should include the following:

- a. Copy of signed department procurement authority delegation and procedures.
- b. Complete copy of solicitation document (RFQ).
- c. List of vendors solicited.
- d. Original or copy of each written bid received.
- e. Bid Record/Evaluation form.
- f. Correspondence concerning the procurement.
- g. A written explanation if the order is awarded to anyone other than the low bidder.
- h. Written justification for the use of a restrictive, proprietary, brand name, or no substitution specification.
- i. Written justification describing the emergency that existed if obtaining bids is not possible due to emergency conditions. Prior approval must be obtained from the OA/FMDC Director or Deputy Director(s).
- j. Documentation verifying the tax compliance status of each bidder must be maintained. The "Vendor No Tax Due" letter may be kept in the bid or contract file. Letters sent to bidders requesting a copy of their "Vendor No Tax Due" letter and any other correspondence pertaining to the tax compliance status of a bidder cannot be maintained in an open record such as the bid or contract folder unless the bidder authorizes the department to do so. Such documentation must be maintained in a separate file within the department.
- k. A written explanation if the order is awarded to a non-Missouri manufacturer or service provider.
- l. If federal funds are included in solicitation, then documentation, showing that the intended awardee(s) is not on the debarment list on the System for Award management (SAM) website, <https://www.sam.gov>

must be maintained in the file (i.e., screen print documenting the search results for the particular vendor.)

All documentation related to each procurement must be made available to the public for inspection and review in accordance with Chapter 610 – Governmental Bodies and Records of the Missouri Revised Statutes.

Guidelines for Evaluation of Bids

This document is solely for the purpose of providing general guidance to the individual evaluator in evaluating bids received in response to a RFQ.

These guidelines shall not confer any authority, for any purpose or reason, contrary to any state or federal law or regulation, appropriation, or executive order.

I. The Responsibility of the Evaluator

1. The evaluator is responsible for reading and understanding these guidelines.
2. The evaluator is responsible for performing an impartial, objective, and professional evaluation of those bids received in response to the RFQ.
3. After completion of the evaluation process, the evaluator is responsible for the completion of a bid record/evaluation form.
4. An evaluator must understand that they: (a) may be required to defend their actions, conduct, and conclusions in a court of law or court of inquiry, if deemed necessary, and (b) the evaluation documentation shall become a matter of public record and shall be made available to the general public after approval and award of a contract.
5. The evaluator is responsible for ensuring that no public or private announcement is made related to the evaluation process until the contract has been awarded.

II. A Two-Step Evaluation Process

A two (2) step evaluation process should be used when evaluating bids received. The following narrative describes the two (2) sequential steps involved.

A. Step One: Determination of Responsiveness

1. The bids must be thoroughly reviewed by the evaluator to determine if each bid complies or does not comply with the mandatory requirements set forth in the official RFQ (which includes any amendments issued to the RFQ). This required review action by the evaluator is identified as a **determination of responsiveness**.
2. A **responsive bid** is one that complies with the mandatory requirements of the RFQ. A responsive bid will be permitted to proceed to the next evaluation step.
 - a. The mandatory requirements of the RFQ documents are generally identified by the words "**must**," "**shall**," or "**will**." However, other types of language structure may also describe a mandatory condition.
 - b. The word "**should**" means that a contractor is strongly encouraged to perform a specific act, but the word does not impose a mandatory requirement to do so. The word "**may**" means that an act is permitted, but not required.

3. A bid does not necessarily need to describe or acknowledge each and every individual requirement of a RFQ. Generally speaking, a bid is considered responsive if:
 - a. the bidder manually signs the first page of the last amendment to the RFQ and
 - b. the bidder submits the required submittal information.
4. A bid shall be considered **non-responsive** if it fails to comply with the mandatory requirements of the RFQ. Examples of a non-responsive bid would be if the bidder:
 - a. expresses disagreement with a requirement,
 - b. takes exception to a requirement,
 - c. proposes an action contradictory to a requirement,
 - d. will otherwise prevent the enforcement and/or execution of a requirement, or
 - e. fails to include mandatory submittal information.
5. The determination of responsiveness is a very serious matter. The evaluator must consider two basic legal implications related to their decisions.
 - a. The courts have held that an award of a contract must be based upon a bid which conforms to the material specifications published to the public (i.e. a responsive bid). To do otherwise would misrepresent the procurement intent to the public and would therefore not constitute a proper and valid award.
 - b. Likewise, to arbitrarily declare any unsuccessful bid non-responsive without reasonable and legitimate cause may also invalidate the award of a contract even though the selected bid was declared responsive and the “lowest and best”, (best bid offering the greatest financial benefit to the state).

B. Step Two: Evaluation of Cost

1. After completing Step One, the evaluator must insure that all such information in the bids is based on identical units of measure for an "apple-to-apple" comparison and do not contain exceptions or “conditions” in the narrative of the bid.
2. After determining that a submitted bid satisfies the mandatory requirements stated in the Request for Quotation, the evaluator(s) shall use objective cost analysis in accordance with the evaluation criteria stated below:
 - a. The objective evaluation of cost will include the original and any potential renewal periods.
 - b. Cost evaluation points shall be determined using the following formula:

$$\frac{\text{Lowest Responsive Bidder's Price}}{\text{Compared Bidder's Price}} \times \frac{\text{Maximum Cost}}{\text{Evaluation Points (100)}} = \text{Assigned Cost Points}$$

III. Public Record

All evaluators must be aware that any and all evaluation documentation related to the award of a contract becomes public record and is immediately subject to inspection by the general public and the bidders following award of the contract.